

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Adopt Biomethane  
Standards and Requirements, Pipeline Open Access Rules,  
and Related Enforcement Provisions.

Rulemaking 13-02-008  
(Filed February 13, 2013)

**DECISION GRANTING THE INTERVENOR COMPENSATION CLAIM OF THE  
CONSUMER FEDERATION OF CALIFORNIA FOR CONTRIBUTION TO  
DECISION 14-01-034**

<b>Claimant: Consumer Federation of California (CFC)</b>	<b>For contribution to D. 14-01-034</b>
<b>Claimed (\$): 28,654.75</b>	<b>Awarded (\$): 24,266.00(reduced 15.3%)</b>
<b>Assigned Commissioner: Carla Peterman</b>	<b>Assigned ALJ: John S. Wong</b>

**PART I: PROCEDURAL ISSUES**

<b>A. Brief Description of Decision:</b>	Phase I decision (D.14-01-034), adopts the biomethane implementation tasks in Assembly Bill 1900.
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**B. Claimant must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:**

	<b>Claimant</b>	<b>CPUC Verified</b>
<b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b>		
1. Date of Prehearing Conference:	March 27, 2013	Yes.
2. Other Specified Date for NOI:	N/A	
3. Date NOI Filed:	April 12, 2013	Yes.
4. Was the NOI timely filed?		Yes.

Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	R. 13-02-008	Yes.
6. Date of ALJ ruling:	October 25, 2013	Yes.
7. Based on another CPUC determination (specify):	N/A	
8. Has the Claimant demonstrated customer or customer-related status?		Yes, CFC demonstrated the appropriate status as customer.
Showing of "significant financial hardship" (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	R. 13-02-008	Yes.
10. Date of ALJ ruling:	October 25, 2013	Yes.
11. Based on another CPUC determination (specify):	N/A	
12. Has the Claimant demonstrated significant financial hardship?		Yes, CFC demonstrated significant financial hardship.
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.14-01-034	Yes.
14. Date of Issuance of Final Order or Decision:	January 16, 2014	January 22, 2014
15. File date of compensation request:	March 14, 2014	March 10, 2014
16. Was the request for compensation timely?		Yes, CFC timely filed the request for compensation.

## PART II: SUBSTANTIAL CONTRIBUTION

### A. Description of Claimant's contribution to the final decision (*see* § 1802(i), § 1803(a) & D.98-04-059).

Intervenor's Claimed Contribution	Specific References to Intervenor's Claimed Contribution	CPUC Discussion
1. Standards for Constituent Connections and	D.14-01-034 pp.12-88.	Agreed. <i>See</i> CFC Opening Brief at 6-7

<p><b>Concentrations</b></p> <p>CFC contends that in order to interconnect with the utility pipeline system, the biomethane supplier must provide merchantable biomethane that is capable of meeting the gas quality requirements adopted as a result of this proceeding.</p>	<p>Pre-Hearing conference statement p. 2.</p> <p>Opening Brief pp. 2-3.</p> <p>Opening Comments on PD pp. 2-3.</p>	<p>(not at 2-3).</p> <p>The Commission notes, however, that CFC's opening comments on the PD did not substantially contribute to the decision.</p>
<p><b>2. Monitoring, Testing, Reporting, Recordkeeping</b></p> <p>In the Air Resources Board/Office of Environmental Health Hazard Assessment (ARB/OEHHA) report, a monitoring, testing, and record keeping protocol for biomethane to be injected into pipelines is proposed.</p> <p>CFC recommended the Commission adopt the Joint Report proposed protocol. CFC cautioned against unnecessary and unproductive costs that do not enhance safety or further the needs of AB1900 and that these costs should not be absorbed by the ratepayers.</p> <p>The Decision adopts the protocols recommended by ARB/OEHHA.</p> <p>CFC supports the ARB/OEHHA recommended protocols and the Commission decision.</p>	<p>D.14-01-034 pp. 97-124.</p> <p>Opening Brief pp.5-6</p> <p>Reply Brief pp.2-3.</p> <p>Opening Comments on PD pp. 2-3</p>	<p>Agreed, however duplication with other parties occurred on this issue.</p> <p>The Commission notes, however, that CFC's opening comments on the PD did not substantially contribute to the decision.</p>
<p><b>3. Open Access</b></p> <p>In order to minimize overall regulatory-compliance costs</p>	<p>D.14-01-034 p.132</p> <p>Prehearing conference statement p. 2.</p>	<p>Agreed.</p>

for biomethane suppliers, CFC urged the Commission to adopt reporting protocols that collect all of the data necessary to prove and track renewable product claims, as well as the data needed for monitoring health and safety. CFC supports adopting reporting protocols proposed by the ARB/OEHHA report.  D.14-01-034 adopts the protocols.	Opening Brief pp. 6-7.	
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**B. Duplication of Effort (§§ 1801.3(f) & 1802.5):**

	<b>Claimant</b>	<b>CPUC Verified</b>
<b>a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?<sup>1</sup></b>	No	ORA was a party to the proceeding.
<b>b. Were there other parties to the proceeding with positions similar to yours?</b>	Yes	Agreed.
<b>c. If so, provide name of other parties:</b> <b>The Utility Reform Network, Green Power Institute, and Sustainable Conservation.</b>		Agreed.
<b>d. Describe how you coordinated with ORA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party:</b>  CFC had several discussions with other parties to compare analysis and positions to avoid duplication. CFC took all reasonable steps to keep duplication to a minimum.  Under these circumstances, CFC's compensation in this proceeding should not be reduced for duplication.		Yes, although CFC may have coordinated with other parties, there was still duplication on some issues.

**PART III: REASONABLENESS OF REQUESTED COMPENSATION**

**A. General Claim of Reasonableness (§§ 1801 & 1806):**

<sup>1</sup> The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Statutes of 2013, Chapter 356, Section 42.).

<p><b>a. Concise explanation as to how the cost of Claimant's participation bears a reasonable relationship with benefits realized through participation (include references to record, where appropriate)</b></p> <p>There will be monetary benefits for ratepayers based on CFC's participation, although it is difficult to estimate a specific amount of monetary benefits. Some of the CFC's contributions adopted by the final decision will result in a clearer framework that will, in part, help to focus any standards and policies adopted by the Commission. Though currently abstract, these issues will be necessary in developing, through future phases, the policy that will save utility customers in the long term.</p>	<p><b>CPUC Verified</b></p> <p>Verified.</p>
<p><b>b. Reasonableness of Hours Claimed.</b></p> <p>CFC worked efficiently and recorded hours rounding down to the nearest decimal. The attorney fee hours are equal to 4 weeks' time while the intervenor compensation claim preparation hours are equal to 2 days. Both hourly amounts are reasonable in light of the work performed and product produced.</p>	<p>Verified, but see CPUC Disallowances and Adjustments in Part III.C.</p>
<p><b>c. Allocation of Hours by Issue</b></p> <p>CFC has allocated its time entries by activity codes. The list of codes and their description is as follows:</p> <p>CC - Standards for Constituent Connections and Concentrations 25%</p> <p>MT - Monitoring, testing, reporting, recordkeeping, compliance costs 50%</p> <p>OA - Open Access 25%</p> <p># - Where time entries cannot easily be identified with a specific activity code. For these entries, the allocation of time spent on activities can be broken down as such: CC 25%, MT 50%, OA 25%</p>	<p>Verified.</p>

**B. Specific Claim:**

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hour s	Rate \$	Basis for Rate*	Total \$	Hour s	Rate \$	Total \$
Nicole Johnson	2013	89	\$305	R. 13-02-008	26,672.25	76.65 [1]	\$285.00 [2]	21,845.25
Nicole Johnson	2014	2.5	\$305	R. 13-02-008	762.50	2.5	\$290.00 [3]	725.00
Subtotal: \$ 27,434.75						Subtotal: \$ 22,570.25		

INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Nicole Johnson	2013	8	152.50	R.13-02-008	1,220	11.9	\$142.50	1,695.75
Subtotal: \$1,220.00						Subtotal: \$1,695.75		
TOTAL REQUEST: \$28,654.75						TOTAL AWARD: \$ 24,266.00		
<p>* We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor’s records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time are compensated at ½ of preparer’s normal hourly rate.</p>								
Attorney		Date Admitted to CA BAR²		Member Number		Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation		
Nicole Johnson		June 1, 2006		242625		No		

### C. CPUC Disallowances & Adjustments:

Item	Reason
[1]	<p>In 2013, Johnson claimed 3.9 hours of time related to intervenor compensation claim preparation. These hours have been removed from this heading and placed in the claim preparation tab, to be compensated at a ½ rate.</p> <p>Additionally, the Commission does not compensate the work of attorneys that is clerical in nature because such work is factored into the awarded rate. On March 11, 2013, Johnson lists 0.9 hours of clerical work for preparing, filing, and serving a motion. This time is deducted from the award. On March 22, 2013, Johnson lists 1 hour for writing the PHC statement, finishing edits, and finalizing the statement. Finalizing is considered to be clerical and one third of the claimed hour will be removed from the total award.</p> <p>Three hours have been deducted from the award for work performed on CFC's comments to the PD. This filing did not substantially contribute to the Commission's</p>

<sup>2</sup> This information may be obtained at: <http://www.calbar.ca.gov/>.

	<p>understanding of the proceeding and did not enhance the record.</p> <p>As noted, above, duplication with other parties occurred when dealing with monitoring, testing, reporting, recordkeeping, compliance costs. For this duplication, the Commission has reduced the award for this issue only by 20%. Based on the timesheet submitted 6.1 hours were spent directly related to these issues, while 30 hours were spent on “#” , which was estimated to be 50% related to monitoring, testing, reporting, recordkeeping, and compliance costs . The Commission therefore estimates that 21.1 hours were spent on these issues, resulting in a reduction of 4.22 hours.</p>
[2]	Based on the experience listed on Johnson’s resume, the Commission sets a rate of \$285 for work performed in 2013.
[3]	The Commission adopted a 2.58% cost-of-living adjustment for 2014 work in Res. ALJ-303. After being applied to Johnson’s rate, and rounded to the nearest five dollar increment, Johnson’s 2014 rate is set at \$290.

#### PART IV: OPPOSITIONS AND COMMENTS

<b>A. Opposition: Did any party oppose the Claim?</b>	No.
<b>B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(C)(6))?</b>	Yes.

#### FINDINGS OF FACT

1. Consumer Federation of California has made a substantial contribution to D.14-01-034.
2. The requested hourly rates for Consumer Federation of California’s representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$24,266.00.

#### CONCLUSION OF LAW

1. The Claim, with the adjustments set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

**ORDER**

1. Consumer Federation of California is awarded \$24,266.00.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Gas Company shall pay Consumer Federation of California their respective shares of the award, based on their California-jurisdictional natural gas revenues for the 2013 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning May 24, 2014, the 75<sup>th</sup> day after the filing of Consumer Federation of California's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.
4. This decision is effective today.

Dated \_\_\_\_\_, at San Francisco, California.



## APPENDIX

## Compensation Decision Summary Information

<b>Compensation Decision:</b>		<b>Modifies Decision?</b>	
<b>Contribution Decision(s):</b>	D1401034		
<b>Proceeding(s):</b>	R1302008		
<b>Author:</b>	ALJ Wong		
<b>Payer(s):</b>	Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Gas Company		

## Intervenor Information

<b>Intervenor</b>	<b>Claim Date</b>	<b>Amount Requested</b>	<b>Amount Awarded</b>	<b>Multiplier?</b>	<b>Reason Change/Disallowance</b>
Consumer Federation of California	3/10/2014	\$28,654.75	\$24,266.00	No	See Part III.C.

## Advocate Information

<b>First Name</b>	<b>Last Name</b>	<b>Type</b>	<b>Intervenor</b>	<b>Hourly Fee Requested</b>	<b>Year Hourly Fee Requested</b>	<b>Hourly Fee Adopted</b>
Nicole	Johnson	Attorney	Consumer Federation of California	\$305.00	2013	\$285.00
Nicole	Johnson	Attorney	Consumer Federation of California	\$305.00	2014	\$290.00

(END OF APPENDIX)